

REMARKS

Amendments

Claim 1 is amended to include, among other features, a number of additional limitations to better define the claimed process and to provide even more differences between the claimed process and the cited prior art. The recited mineral crude derived feed of claim 1 is further defined to recite the particular cut of the feed and one of its distillation properties. Support for these limitations is found in the published specification at paragraphs [0024] and [0025]. Claim 1 is also amended to specify the catalyst that is used in the hydrocracking step. Support for the recited hydrocracking catalyst is found in paragraph [0036] of the published specification. Support for the amendment to the distillation step (d) of claim 1 is found in paragraph [0053] of the published specification, and support for amendments to claim 1 related to the hydrofinishing step is found in paragraphs [0053]-[0058] and [0063] of the published specification.

Support for new claim 12 concerning the recitation of the zeolite content of the dewaxing catalyst is found in paragraph [0044] of the published specification.

Support for new claim 13 regarding the low acidity refractory binder material of the dewaxing catalyst is found in paragraph [0044] of the published specification.

Support for new claim 14 regarding the crystal size of the zeolite of the dewaxing catalyst is found in paragraph [0043] of the published specification.

Support for new claim 15 regarding the alpha value of the dewaxing catalyst is found in paragraph [0050] of the published specification.

Support for new claim 16 regarding the silica and alumina content of the low acidity refractory binder material is found in paragraph [0044] of the published specification.

New independent claim 17 is directed to a process having certain of its steps that are similar to the ones of independent claim 1 but with the dewaxed oil directly undergoing a hydrofinishing step without an intermediate distillation step. Support for these features is found in paragraphs [0053]-[0058] and [0063] of the published specification.

The limitations of the new dependent claims 18-24 have support in the same locations of the specification as found for the original claims and for the newly added claims 12-17.

§103 Rejection of claims 1-10 as being obvious over Gilbert et al (WO 02/070627) in view of Chen et al (US 4,851,109)

In addition to the many features of the process of the previously submitted claim 1 that are not disclosed in the cited references, the amendments to claim 1 provide further features that are not taught by the art cited by the Examiner. The claimed feedstock is not taught as well as the additionally recited processing step. While the applicants assert that the subject matter of the previously submitted claim 1 is patentable over the Examiner's cited art, the amended claim 1 recites further features and process steps that are not taught in the cited art, thus, making claim 1 patentable thereover.

In view of the amendments to the claims and the differences of the claimed subject matter over the teachings of the prior art, it is respectfully requested that the Examiner withdraw the §103 rejection and allow the claims pending (claims 1-8, 12-24) in this application.

Provisional Obviousness-Type Double Patenting Rejection of Claims 1-10 over Copending Application No. 10/591,115.

Upon the determination of allowable subject matter in the application, the applicants will consider the possibility of filing a terminal disclaimer in order to obviate this provisional rejection. At this time, the applicant does not know what the scope of any allowed claims will be, so is unable to determine the appropriateness of the double patenting rejection.

New claims 12-24

New claims 12-16 all depend either directly or indirectly from independent claim 1. By virtue of the independent claim 1 being patentable over the prior art, the dependent claims are therefore patentable.

New claims 17-24 are added which include independent claim 17 from which claims 18-24 either directly or indirectly depend. Claim 17 is directed to a process for making a base oil having certain of the same processing steps as are recited in claim 1 but requiring the dewaxed oil to directly undergo a hydrofinishing step without necessarily an intermediate distillation step as is required in the claim 1 process.

It is submitted that independent claim 17 and claims 18-24, which depend therefrom, are patentable.

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